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ABSTRACT

Physiocratic idealism and capitalistic industrialism were the ideological theories from which the U.S. Constitution took its primary form. The Bill of Rights was added to insure that those who implemented the Constitution would abide by underlying natural values that promote life, spiritness, and growth. The framers of the Constitution saw a group of interdependent systems and devised three interdependent governmental systems that included legislative, judicial, and executive branches. The powers of each branch of government is naturally limited by the powers of the other two, and the liberty of one ends where the liberties of the others begin. Each government branch has a necessary duty and a contingent liberty. The other societal systems include economics, education, public information, and transportation. Each system has its own duties and responsibilities. When one system intrudes upon another or intervenes in another system's activities, the balance of systems is disturbed. The natural order of systems needs to be studied in order to promote balance, harmony, and felicitous interaction among social systems. (JHP)

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COLLOQUIUM

THE SYNCHRONY OF GOVERNMENT REGULATION AND VOLUNTARY ACCREDITATION

MAY 6, 1987

THE BARCLAY HOTEL
PHILADELPHIA, PENNSYLVANIA

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RAND CORPORATION

with an introduction:

The Liberty of Nature and the Nature of Liberty

by

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ON THE LIBERTY OF NATURE
AND THE NATURE OF LIBERTY

Presented as an Introduction to a Colloquium on the
Synchrony of Government Regulation and Voluntary
Accreditation
Before the Board of Trustees of The Middle States Association
May 1987

This month Philadelphia celebrates the 200th Anniversary of George Washington's arrival here to preside at the framing of a government for the United States. The city's welcoming bells and saluting cannons disguised the confusion of a people fully confronted by their own recently won political independence. Today, we wonder if, as Washington rode eastward from Gray's Ferry on the Schuylkill toward his destiny at Independence Hall, he felt the drive of patriotic duty or the draw of a national opportunity.

He probably felt both. The General was a man of duty. He knew he alone had the stature to preside. Men from all of the colonies had served him. To the young nation, Washington was not just another Virginia planter. But he was a planter too, a man who had camped in the wild, and learned firsthand of nature's ways. He was also a man of reflection; he read widely and wrote well. We can easily believe he understood the liberties of nature and from this developed strong feelings about the nature of liberty.

By 1887, understandings of these two expressions of liberty had long been in development. For more than two centuries, American colonials had been gradually shaped by their own need to master a surrounding wilderness. As Americans were doing this, the intellects of Europe were bringing a new philosophy of natural idealism to flower. European theory was ratified again and again by American action, and the dashing colonials were toasted in the salons of Europe. Franklin and Jefferson were celebrated for their words and works, and in the esteem of France the laconic General Washington stood colossal.

He presided during the Summer of 1787 as a grower who first settled a seed then patiently allowed nature to work. Jefferson was in France at the time posting a stream of pamphlets to Madison and corresponding with others. The delegate farmers and merchants spoke often of the natural ways of man and of events. Dr. Franklin spoke only when practical wisdom was in need. The emerging perfection of the American Constitution was its perfect perception of its own imperfections. In the years since, it was to become the most frequently amended charter of state in the world and, from the perspective of history, it was at all points along the way better than any.

So whatever the feelings of Washington as he rode into Philadelphia, we know he was riding to opportunity. There was prospect of a government that would grow along with the nation it governed, grow as its people grew, and change as they changed. It could be a government that became newer even as it grew older, a government that had a natural, not a supernatural, role in the affairs of the nation.

All of this was possible because the American colonials intuited the nature of their liberty from their encounters with nature at the same time the leading intellects of Europe were reasoning about the liberties of nature. Various French writers, especially Quesnay, Condorcet, and Mirabeau were highly influential with colonial leaders in Virginia, Maryland, and Pennsylvania. Pierre Samuel duPont (de Nemours), a younger member of this group, gave their views both a name and a definition (a monograph, Physiocratie, 1768). Through periodicals he spread the Physiocratic propositions throughout Europe. In America, the philosophy was named Physiocratic idealism (from the Greek: physis karatian, "nature rules").

The philosophy extends from agrarian economic principles and stipulates the social responsibilities which a philosophy of nature endows upon business and industry. Much later in his life, duPont exiled himself to America and founded a great industry. Ironically, modern Americans know more of this than of his earlier influences upon the American social contract. As a philosopher, he is a French footnote. As an industrialist, he is an American giant.

Physiocratic idealism in synthesis with the capitalistic industrialism (of Adam Smith) which dominated the thought of prominent leaders from New York and New England became the ideological blend of the social contract from which the American Constitution took its primary form. The Bill of Rights was added to insure that those who were to implement the Constitution would abide by these underlying natural values. The concepts of liberty embedded in the American social contract are in coherence with the forms of liberty nature gives to all things that live, acquire spirit, and grow.

This natural concept of social organization envisions society, like all living things, is a host of interdependent systems. Just as the human body has a nervous system, a respiratory system, a metabolical system, a cardiovascular system, and so on; a society has economic systems, religious systems, educational systems, justice systems, legislative systems, welfare systems, and so on.

Continuing the analog, if a fire were suddenly to break out here, all of us would need to move quickly. Our motor systems would mobilize for the occasion, and we would begin to move. But, as we know, this movement requires immediate and appropriate response from our respiratory, cardiovascular and endocrinal systems. If they don't respond immediately and appropriately, we would not move far and all of us would burn.

Notice, one of the systems does not do it all. Instead there is a remarkable network of internal prompts that signal what one system requires of the others, and in the interest of the whole, the others respond. From our studies of human pathology and physiology, we also know the catastrophic consequences if one or more of the systems breaks away from its place in the balances and becomes overly active. Excessive coagulation of blood blocks circulation; excessive neurological reaction causes seizure; excessive glandular activity distorts cellular formation. Human discomfort is very often attributable to the absence of internal balances. Synchrony is a biological concept. Only when all subsystems operate in synchrony does the whole prosper.

Analogy is not a method of investigation. It only instructs or explains and should not be pressed, but this one can be pressed further than most. Of all the systems in a society, the colonials put three and only three in government. They created a legislative system, a judicial system, and then added an executive system to implement the laws and judgments of the legislative and judicial. The liberty of each of these systems is naturally limited by the liberties of the others. In effect, the liberty of one ends where the liberties of the other begin. Each subsystem, therefore, has a necessary duty and a contingent liberty.

Other systems are outside of government. The economic system, the educational system, the public information system, the transportation system, and all of their subsystems are naturally endowed with their own duties and liberties; and, like those within the government, their liberties end where the others begin.

This exegesis of the American social contract explains the malaise that has settled in upon the various subsystems within the general system of education. When certain systems within a society become intrusive, those upon which they intrude atrophy and ultimately fail completely. All three systems within government have, in recent years, become highly active in education and, at times, their intrusion has been harmful.

The judicial system has been called upon to intervene in behalf of student and minority rights. This is its proper function, and it has responded with befitting strength. But judgments have often been to the case and indifferent to the system. The judicial system must find justice for students and minorities without making a shambles of the system within which the injustices are discovered.

This would not occur if judicial authorities would consult more widely, examine more carefully, and monitor more discernibly. Simplistic court orders have done as much to defer equal justice as to attain it. Here the liberty of the judicial system intrudes upon that of the educational systems and all suffer.

Similarly, the legislative system has moved indiscriminately into the educational system. Instead of making natural processes work, legislatures seek to move into their place. Thus legislated teacher education, legislated curricula, and legislated testing are on the rise as some legislators openly assert that <u>they are the nation's educators</u>.

The executive systems within government are not to be outdone by the others. Every public complaint becomes a pretext for new intervention. Instead of directing their attention to the stimulation of unresponsive subsystems, state and federal regulatory agencies take over their operations. Local educational subsystems are thus deprived of responsibility and therefore deprived of their liberty.

Governmental systems of our society can not replace the educational systems any more than the heart and lungs can replace the stomach and liver. Each system of organs has its own liberty and must function according to nature within that liberty if there is to be overall health.

We have malaise in our educational systems because of the intervention of other systems that are attempting to do things that are not within their nature to do. They intervene to deal with a perceived defect, but the result is to add misfeasance to malfeasance. The natural prompts that signal all systems to work in natural synchrony are converted to negative feedbacks and the systems destroy each other rather than work together.

Natural wisdom ordains that we study and understand the natural way of things before we tamper with social policy. In the last century, elements of our government, in collusion with a well known Philadelphian, wanted to form a federal bank. America escaped from that and now has the most creative banking system in the world. From time to time, elements of government have wanted to take over the transportation industry, the financial markets, the utilities, and communications. There is a natural regulatory role of government for each of them. As does education, all of them in one way or another benefit from government regulation. Without judicious government regulation and, in some instances financing, none of them can work. Synchrony, not intrusion or usurpation is the answer.

When all social systems, those within government and those without, are in balance, harmony, and felicitous interaction, the result can be a natural synchrony and Americans will continue to enjoy the ascendancy always exercised by people of imagination over those who are merely intelligent. It was the opportunity for this that rode with George Washington two centuries ago on his way to Independence Hall and sits with us this afternoon in Philadelphia.